

Record of proceedings dated 07-04-2018

Public hearing in the matter of allocating inflated demand by the Andhra Pradesh Gas Power Corporation Ltd (APGPCL) to its shareholders.

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned counsel for (i) International Paper APPM Ltd., (ii) The Andhra Sugars Limited (iii) The Andhra Petrochemicals Limited (iv) Hindustan Zinc Limited (Vedanta) (v) Precot Meridian Limited (vi) LG Polymers India Private Limited (vii) Sri Dhanalakshmi Cotton & Rice Mills Private Limited, learned objectors are present.

At request, the matter is posted to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

Sd/-
MEMBER / PRM

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CHAIRMAN

Public hearing in the matter of procurement of 400 MW Power from M/s. Simhapuri Energy Limited for a period of 12 years against 1000 MW Bids using imported coal from captive mines as fuel under long term by APSPDCL under DBFOO bidding - Approval for tariff adoption under Section 63 of the Electricity Act 2003.

Sri K. Gopal Choudary, learned counsel for M/s. Simhapuri Energy Limited and Sri P. Shiva Rao, learned Standing Counsel for APSPDCL are present.

Sri P. Shiva Rao, learned Standing Counsel for APSPDCL is still awaiting instructions. Hence, the matter is posted at request to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

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O.P.No.47 of 2017 & I.A.No.28 of 2017
A.P. Power Development Company Ltd (APPDCL) Vs APSPDCL & APEPDCL

Application for determination of tariff for supply of electricity generated at the Sri Damodaram Sanjeevaiah Thermal Power Station (SDSTPS) (2 x 800 MW) to the APDISCOMs from 05-02-2015 for the rest of the control period of 2014-19 of 2 x 800 MW

Application filed u/s 94 (2) of the Electricity Act, 2003 praying the Commission to pass interim orders directing the respondents to pay an interim tariff of Rs4.04 per kWh for the energy supplied by it to the respondents during FY 2017-18, pending disposal of the main petition in O.P.No.47 of 2017.

Sri K. Gopal Choudary, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents are present.

At request of Sri K. Gopal Choudary, learned counsel for the petitioner, for rejoinder, the matter is posted to 21-04-2018.

Call on:

21-04-2018
at 11:00 AM

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I.A.No.5 of 2017 in O.P.No.28 of 2016
APSPDCL Vs ---

In the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for (i) ITC Limited and Small Hydro Power Developers Association, Sri Alladi Ravinder, learned counsel for M/s. Sree Rayalaseema Alkalies and Allied Chemicals Limited, Sri Anand K Ganesan, learned counsel for Indian Energy Exchange (IEX) and Sri Challa Gunaranjan, learned counsel for (i) M/s. Parasakti Cement Industries Limited (ii) M/s. KCP Cement & Sugar Industries

Limited (iii) M/s. Greenco (iv) Reddy Laboratories & (v) Mylan Laboratories, learned objectors are present.

At request, the matter is posted for hearing to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

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I.A.No.6 of 2017 in O.P.No.29 of 2016
APEPDCL Vs ---

In the matter of approval for additional surcharge from Open Access consumers during FY 2017-18 under Section 42 (4) of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri K. Gopal Choudary, learned counsel for (i) ITC Limited and Small Hydro Power Developers Association, Sri Alladi Ravinder, learned counsel for M/s. Sree Rayalaseema Alkalies and Allied Chemicals Limited, Sri Anand K Ganesan, learned counsel for Indian Energy Exchange (IEX) and Sri Challa Gunaranjan, learned counsel for (i) M/s. Parasakti Cement Industries Limited (ii) M/s. KCP Cement & Sugar Industries Limited (iii) M/s. Greenco (iv) Reddy Laboratories & (v) Mylan Laboratories, learned objectors are present.

At request, the matter is posted for hearing to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

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O.P.No.46 of 2017
APSPDCL & APEPDCL Vs APGENCO & A.P. Solar Power Corporation Ltd

Petition filed under Section 86 (1) (b) of the Electricity Act, 2003 for approval of long term Power Purchase Agreement (PPA) signed by APDISCOMs with APGENCO on 01-07-2017 and to pass orders regulating the price for purchase of 400 MW solar power generated from the Ananthapuram – II Ultra Mega Solar Park proposed at Talaricheruvu (V), near Tadipatri, Anantapuramu District, AP @ the tariff of Rs.3.57 / Kwh .

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri Someswara Rao, SAO, APGenco are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners, the matter is posted to 28-04-2018.

Call on: 28-04-2018
at 11:00 AM

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O.P.No.5 of 2017
FOR ORDERS
APSPDCL & APEPDCL Vs ---

Petition filed under Regulation 55 (1) & (2) of APERC (Conduct of Business) Regulations, 1999 and Regulation 23 to 26 of the APERC (Terms and Conditions for tariff determination for wind power projects in the State of AP for the period of FY 2015-16 to FY 2019-20) Regulations, 2015 requesting the Commission to curtail or limit the control period of the above mentioned Regulation No. 1 of 2015 upto 31-03-2017

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri V. Sailendra representing Indian Wind Power Association (AP State Council) and Smt. Rajeswari, AGM (Legal) representing M/s. Axis Energy Ventures India Private Limited are present.

Orders are not ready. Hence, the matter is posted for orders to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

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O.P.No.48 of 2017
FOR ORDERS
APSPDCL & APEPDCL Vs APGENCO

Application filed under Section 21 (1), (5) of the A.P. Electricity Reform Act, 1998 for granting consent for the Amended and Restated PPA for 2 x 25 MW Nagarjuna Sagar Tail Pond Hydro Electric Station (NSTPHES) dated 02-08-2017

Sri P. Shiva Rao, learned Standing Counsel for the petitioners is present.

Orders pronounced (*vide separate order*)

13. Accordingly, the amended and restated Power Purchase Agreement between the respondent and the petitioners for sale of power from Nagarjuna Sagar Tail Pond Hydro Electric Station (2 X 25 MW) dated 2nd day of August, 2017 is approved subject to the determination of tariff in accordance with law on merits as and when an application for such determination is made before this Commission. The Power Purchase Agreement in general and Article-3 and Annexure-1 thereof in particular shall be subject to the Orders that may be passed in such application for determination of tariff.

14. This petition is ordered accordingly. No Costs”.

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Public hearing on Load Forecasts, Resource Plans, Investment Plans and State Electricity Plan

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* are present.

Sri P. Shiva Rao, learned Standing Counsel for the utilities and Sri K. Gopal Choudary, learned *Amicus Curiae* are heard. For finalizing the plans and proposals, the matter is posted at request to 21-04-2018.

Call on:

21-04-2018
at 11:00 AM

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O.P. No.1 of 2017

APSPDCL & APEPDCL Vs M/s Sri Vijayeebhava Enterprises Private Ltd. & others

Petition filed by APDISCOMs under Regulation 55 (2) & (3) of APERC (Conduct of Business) Regulation, 1999 to amend tariff orders in respect of wind power projects to be in compliance with Regulation 20 of Regulation No.1 of 2015.

Sri P. Shiva Rao, learned Standing Counsel for the petitioners, Sri V. Sailendra representing (i) M/s. Sri Vijayeebhava Enterprises Private Limited (ii) M/s. Karam Chand Thapar & Bros Limited (iii) M/s. Levelstate Systems Private Limited (iv) M/s. Ushodaya Enterprises Private Limited (v) M/s. Sai Pet Preforms (vi) M/s Eenadu Television Private Limited (vii) M/s. Hi-Tech Systems & Services Limited (viii) M/s. Kaushaliya Devi Dhoot (ix) M/s. Satyanarayana Dhoot (x) M/s. Chimique (India) Ltd., (xi) M/s. Rajasthan Gum Private Limited (xii) M/s. Jai Bharat Gum & Chemicals Limited (xiii) M/s. KCT (20.4 MW) Renewable Energy Private Limited & (xiv) M/s. ZR Renewable Energy Private Limited, learned respondents and Sri V. Sailendra representing Indian Wind Power Association (IWPA) – AP State Council, learned objector are present.

Written Submissions on behalf of respondent Nos.7, 21, 33, 34, 40, 44, 45, 46 & 47 are filed. No further submissions from the parties are received. Hence, the matter is reserved for orders.

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O.P. No. 30 of 2017
APSPDCL & APEPDCL Vs M/s. GMR Vemagiri Power Generation Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 370 MW project at Vemagiri (V), Kadium (M), East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri K. Siddartha Rao, learned counsel for GMR Vemagiri Power Generation Limited are present.

At request of Sri P. Shiva Rao, learned Standing Counsel for the petitioners to produce the communication from the 1st respondent referred to in para 14 of the petition, the matter is posted to 21-04-2018.

Call on:

21-04-2018
at 11:00 AM

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O.P. No. 31 of 2017

APSPDCL & APEPDCL Vs M/s. GVK Industries Ltd & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 requesting the Commission to direct the respondent No.1 to pay the energy consumed by it towards Start-up and Maintenance of its 220 MW project at Jegurupadu, East Godavari District at HT-1 scheduled tariff

Sri P. Shiva Rao, learned Standing Counsel for the petitioners and Sri M. Naga Deepak, learned counsel representing Sri Ch. Pushyam Kiran, learned counsel for GVK Industries Limited are present.

At request, the matter is posted to 28-04-2018.

Call on: 28-04-2018
at 11:00 AM

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O.P. No. 49 of 2017
M/s. Southern Rocks & Minerals Pvt. Ltd Vs APSLDC & 2 others

Petition under Section 86(1) (f) of the Electricity Act, 2003 r/w Clause 15 of Regulation 2 of 2006 & APERC (Conduct of Business) Regulations, 1999 to declare the date of commissioning of its solar plant (1.03 MW) as 16-06-2016 and to extend the benefits and incentives provided under G.O.Ms.No.8 dated 12-02-2015 as adopted in Regulation No.1 of 2016 & Regulation No. 2 of 2016 by allowing banking facility and scheduling of energy enabling petitioner to utilize the same for its captive use

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

At request of Sri Challa Gunaranjan, learned counsel for the petitioner, for rejoinder, the matter is posted to 05-05-2018.

Call on: 05-05-2018
at 11:00 AM

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O.P. No. 5 of 2018

Smt. Karrothu Laxmi & 25 others Vs APTRANSCO & 5 others

Petition filed under Rule 3 (5) of the Andhra Pradesh Works of Licensee Rules, 2007 questioning denial of compensation to the petitioners on the ground that the towers have been erected prior to the issuance of the order by the 6th respondent to pay compensation to the petitioners towards land diminution value due to erection of towers in their lands

Sri A. Jagannadha Rao, learned counsel for the petitioners and Sri P. Shiva Rao, learned Standing Counsel for respondents 1 to 5 are present.

Sri P. Shiva Rao entered appearance for respondents 1 to 5. Notice of 6th respondent is not returned. The petitioner shall take fresh notice to 6th respondent by registered post and they also permitted to serve copy of the petition and the accompanying documents along with a communication intimating the 6th respondent of the date of hearing at the office of the 6th respondent. Counter of respondents 1 to 5 in the meanwhile. Hence, the matter is posted to 05-05-2018.

Call on:

05-05-2018
at 11:00 AM

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O.P. No. 51 of 2017

Sri Ch. Chandra Mouli and Sri Ch. Venugopal Rao Vs CMD/APTRANSCO & 5 others

Petition filed under sub-rules (1) (2) of Rule 13 of the Andhra Pradesh Works of Licensee Rules, 2007 and Section 19 of the Electricity Act, 2003

Sri P. Shiva Rao, learned Standing Counsel for the utilities is present.

At request on behalf of learned counsel for the petitioners, the matter is posted to 05-05-2018.

Call on: 05-05-2018
at 11:00 AM

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I.A.No.21 of 2017 in O.P. No. 3 of 2011

M/s. Metkore Alloys & Industries Ltd Vs APEPDCL

Petition under Section 62 r/w 86 of the Electricity Act, 2003 for revisiting of the conditions stipulated in the Retail Supply Tariff Order for the FY 2011-12 for the Category of HT-1 (b) consumers

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

At request of Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioners for getting information, the matter is posted to 19-05-2018.

Call on: 19-05-2018
at 11:00 AM

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O.P. No. 20 of 2015
FOR ORDERS
Empee Power Co (I) Ltd Vs APSPDCL

Petition u/s 62 r/w 86 (1) of the Electricity Act, 2003 for revision of tariff specified under Article 2.2 of the Power Purchase Agreement dated 23.05.2007

Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondent are present.

Orders are not ready. Hence, the matter is posted for orders to 21-04-2018.

Call on: 21-04-2018
at 11:00 AM

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O.P. No. 21 of 2017

M/s. Orange Uravakonda Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit and payment of amounts deducted towards 2% rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 22 of 2017
M/s. Khandke Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 23 of 2017
M/s. Orange Anantapur Wind Power Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; for payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 24 of 2017
M/s. Tadas Wind Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to pay amounts wrongfully deducted towards rebate from monthly power bills; for payment of interest on delayed payment in terms PPAs., and to open Irrevocable Letter of Credit

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 25 of 2017
M/s. Mytrah Vayu (Pennar) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 26 of 2017
M/s. Mytrah Vayu (Krishna) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 27 of 2017
M/s. Mytrah Vayu (Indravati) Pvt. Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 2% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No. 35 of 2017
M/s. Jindal Aluminium Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPAs

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

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at 2:00 PM

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O.P. No.1 of 2018

M/s. Tata Power Renewable Energy Ltd Vs APSPDCL & 2 others

Petition under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards rebate from monthly power bills and for payment of interest on delayed payment in terms PPA dated 31-10-2016

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

For hearing, at request, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on: 16-04-2018
at 2:00 PM

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O.P. No.7 of 2018

M/s. Welspun Renewables Energy Pvt. Ltd Vs APSPDCL & 2 others

Petition filed under Section 86 (1) (f) of the Electricity Act, 2003 r/w APERC (Conduct of Business) Regulations, 1999 requesting the Commission for direction to the respondents to open Irrevocable Letter of Credit; payment of amounts deducted towards 1% rebate from monthly power bills and for payment of interest on delayed payment in terms PPA

Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the utilities are present.

Sri P. Shiva Rao, learned Standing Counsel entered appearance for the respondents. Heard Sri N. Phani, learned counsel representing Sri Challa Gunaranjan, learned counsel for the petitioner and Sri P. Shiva Rao, learned Standing Counsel for the respondents. One of the reliefs sought for in the Original Petition is for a direction to the respondents to pay Rs.1,05,19,502/- for the 70 MW solar power project at Vemulapadu, Kurnool District and Rs.38,43,011/- for the 30 MW solar power project at Lomada, Kadapa District, which were the amounts deducted towards 1% rebate under the Power Purchase Agreements, along with interest. Both the learned counsel brought to notice the interim directions given by this Commission in all identical matters, where the distribution companies expressed their readiness to pay the rebate amount wherever they are not entitled to and the Commission, on an understanding between both parties, restricted the liability to pay interest to 25% of what was payable as per the Power Purchase Agreement, if the refund of the rebate amount is paid within 30 days from the date of the order of the Commission. Pending completion of the pleadings in this Original Petition, it will be just and reasonable to adopt the same course in this matter also and therefore, the

respondents are directed to repay the amount deducted towards rebate from the amounts payable to the petitioner to which they are not entitled along with 25% of interest as per clause 5.2 of the Power Purchase Agreement within 30 days from today and report to the Commission. In case of default by the respondents in making the payment as directed now, the concession relating to interest shall stand open to review. The respondents have to file their counter relating to irrevocable letter of credit, on which the petitioner has to file its response. Hence, for further pleadings and compliance with the present directions, the matter is posted to 16-04-2018 (Monday) at 2:00 PM.

Call on:

16-04-2018
at 2:00 PM

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